

By: Watson

S.B. No. 643

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 33.058(a), Election Code, is amended to read as follows:

(a) While on duty, a watcher may not:

(1) converse with an election officer regarding the election, except to call attention to an irregularity or violation of law;

(2) converse with a voter; or

(3) communicate in any manner with a voter regarding the election, or any related voting procedures.

SECTION 2. Section 63.001, Election Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (c-1) and (i) to read as follows:

(b) Except as provided by Subsection (h), on offering to vote, a voter must present to an election officer at the polling place:

(1) one form of photo identification listed in [described by] Section 63.0101(a); or

(2) one form of identification listed in Section 63.0101(b) accompanied by the affidavit described by Subsection (i) [63.0101].

(c) On presentation of the documentation required under

1 Subsection (b), an election officer shall determine whether the  
2 voter's name on the documentation is on the list of registered  
3 voters for the precinct. If in making a determination under this  
4 subsection the election officer determines under standards adopted  
5 by the secretary of state that the voter's name on the documentation  
6 is substantially similar to but does not match exactly with the name  
7 on the list, the voter shall be accepted for voting under Subsection  
8 (d) if the voter submits an affidavit stating that the voter is the  
9 person on the list of registered voters. An election officer may  
10 not refuse to accept an affidavit presented under Subsection (b)(2)  
11 unless there is conclusive evidence that the voter executing the  
12 affidavit is not the person in whose name the ballot is cast.

13 (c-1) An election officer may not refuse to accept  
14 documentation presented to meet the requirements of Subsection (b)  
15 solely because the address on the documentation does not match the  
16 address on the list of registered voters.

17 (d) If, as determined under Subsection (c), the voter's name  
18 is on the precinct list of registered voters and the voter's  
19 identity can be verified from the documentation presented under  
20 Subsection (b), the voter shall be accepted for voting. An election  
21 officer may not question the reasonableness of an impediment sworn  
22 to by a voter in an affidavit described by Subsection (i).

23 (i) If the requirement for identification prescribed by  
24 Subsection (b)(1) is not met, an election officer shall notify the  
25 voter that the voter may be accepted for voting if the voter meets  
26 the requirement for identification prescribed by Subsection (b)(2)  
27 and executes an affidavit under penalty of perjury declaring the

1 voter has a reasonable impediment to meeting the requirement for  
2 identification prescribed by Subsection (b)(1). The election  
3 officer may not question or challenge a voter concerning the  
4 voter's lack of identification under Subsection (b)(1) or the  
5 voter's reasonable impediment. The secretary of state shall  
6 prescribe the following form of the affidavit:

7 REASONABLE IMPEDIMENT DECLARATION

8 TO BE COMPLETED BY VOTER

9 Name: \_\_\_\_\_

10 VOTER'S DECLARATION OF REASONABLE IMPEDIMENT OR DIFFICULTY

11 By signing this declaration, I swear or affirm under penalty of  
12 perjury that I am the same individual who personally appeared at the  
13 polling place, that I am casting a ballot while voting in person,  
14 and that I face a reasonable impediment or difficulty that prevents  
15 me from getting an acceptable form of photo identification.

16 My reasonable impediment or difficulty is due to the following  
17 reason(s):

18 (Check at least one box below)

- 19  Lack of transportation                       Disability or illness  
20  Lack of birth certificate or other documents needed to obtain  
21 acceptable photo ID  
22  Work schedule                                       Family responsibilities  
23  Lost or stolen photo ID                       Photo ID applied for but not  
24 received  
25  Other reasonable impediment or difficulty\_\_\_\_\_

26 The reasonableness of your impediment or difficulty cannot be  
27 questioned.

1 \_\_\_\_\_  
2 Signature of Voter Date

3 Sworn to and subscribed before me this

4 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

5 Presiding Judge \_\_\_\_\_

6 TO BE COMPLETED BY ELECTION OFFICIAL

7 The voter provided one of the following forms of identification or  
8 information:

9  Valid voter registration certificate; or

10  A copy or original of one of the following:

11 \_\_\_\_\_ certified birth certificate (must be an original)

12 \_\_\_\_\_ current utility bill

13 \_\_\_\_\_ bank statement

14 \_\_\_\_\_ government check

15 \_\_\_\_\_ other government document that shows the voter's name  
16 and an address (with the exception of a government  
17 document containing a photograph, which must be an  
18 original)

19 \_\_\_\_\_ paycheck

20 Location: \_\_\_\_\_

21 Date of Election: \_\_\_\_\_

22 SECTION 3. Section 63.0101, Election Code, is amended to  
23 read as follows:

24 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

25 (a) The following documentation is an acceptable form of photo  
26 identification under this chapter:

27 (1) a driver's license, election identification

1 certificate, or personal identification card issued to the person  
2 by the Department of Public Safety that has not expired or that  
3 expired no earlier than four years [~~60 days~~] before the date of  
4 presentation;

5 (2) a United States military identification card that  
6 contains the person's photograph that has not expired or that  
7 expired no earlier than four years [~~60 days~~] before the date of  
8 presentation;

9 (3) a United States citizenship certificate issued to  
10 the person that contains the person's photograph;

11 (4) a United States passport issued to the person that  
12 has not expired or that expired no earlier than four years [~~60 days~~]  
13 before the date of presentation; or

14 (5) a license to carry a handgun issued to the person  
15 by the Department of Public Safety that has not expired or that  
16 expired no earlier than four years [~~60 days~~] before the date of  
17 presentation.

18 (b) The following documentation is acceptable as proof of  
19 identification under this chapter:

20 (1) a government document that shows the name and  
21 address of the voter, including the voter's voter registration  
22 certificate;

23 (2) one of the following documents that shows the name  
24 and address of the voter:

25 (A) a copy of a current utility bill;

26 (B) a bank statement;

27 (C) a government check; or

- 1                    (D) a paycheck; or  
2                    (3) a certified copy of a birth certificate or other  
3 document confirming birth that is admissible in a court of law and  
4 establishes the person's identity.

5            SECTION 4. Section 272.011(b), Election Code, is amended to  
6 read as follows:

7            (b) The secretary of state shall prepare the translation for  
8 election materials required to be provided in a language other than  
9 English or Spanish for the following state prescribed voter forms:

10            (1) voter registration application form required by  
11 Section 13.002;

12            (2) the confirmation form required by Section 15.051;

13            (3) the voting instruction poster required by Section  
14 62.011;

15            (4) the reasonable impediment affidavit required by  
16 Section 63.001(b);

17            (5) the statement of residence form required by  
18 Section 63.0011;

19            (6) [~~(5)~~] the provisional ballot affidavit required  
20 by Section 63.011;

21            (7) [~~(6)~~] the application for a ballot by mail  
22 required by Section 84.011;

23            (8) [~~(7)~~] the carrier envelope and voting  
24 instructions required by Section 86.013; and

25            (9) [~~(8)~~] any other voter forms that the secretary of  
26 state identifies as frequently used and for which state resources  
27 are otherwise available.

1           SECTION 5. Section [521A.001\(a\)](#), Transportation Code, is  
2 amended to read as follows:

3           (a) The department shall issue an election identification  
4 certificate to a person who states that the person is obtaining the  
5 certificate for the purpose of satisfying Section [63.001\(b\)](#),  
6 Election Code, and does not have another form of identification  
7 described by Section [63.0101\(a\)](#) [~~[63.0101](#)~~], Election Code, and:

8                   (1) who is a registered voter in this state and  
9 presents a valid voter registration certificate; or

10                   (2) who is eligible for registration under Section  
11 [13.001](#), Election Code, and submits a registration application to  
12 the department.

13           SECTION 6. This Act takes effect September 1, 2017.